IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1104 (M/S) of 2006

Pramod Kumar Singh,
son of Sri Roop Singh,
Resident of Kusum Khera,
Tehsil – Haldwani,
District – Nainital **…….Petitioner**

Versus

1. The Assistant Collector (1st Class) / Pargana Magistrate, Haldwani, District – Nainital, Uttaranchal.
2. Sri Shadab Ahmad, son of Sri Nafees Ahmad.
3. Sri Nafees Ahamad, son of not known.
4. Smt. Asha Shukla wife of Sri Pramod Kumar Shukla.
5. Sri Manish Shukla son of Sri Pramod Kumar Shukla all residents of Kusum Khera, Haldwani, District – Nainital.
6. The Gram Sabha, Kusum Khera, Tehsil – Haldwani, District – Nainital.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pooran Singh Bisht, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondent no. 1.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to decide the Revenue Suit No. 22/102 of 1987 between Pramod Kumar Singh and others Vs. Shadab Ahmad and others within the time framed by this Hon'ble Court, positively within a period of three months.

II. *Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

III. *Award cost of the petition to the petitioner.*

The facts as narrated in the writ petition are that petitioner filed revenue suit no. 22/102 of 1986 – 87 under Section 229 B and 209 of U.P. Zamindari Abolition and Land Reforms Act before respondent no. 1. Defendants Respondents have already filed their written statement and issues have also been framed long back. 30.08.1989 was the dated fixed for evidence and on 14.12.1989 the statement of the petitioner was recorded and cross examination of respondents defendants has already been done. The statement of Patwari was also recorded and was also cross examined. Numbers of dates were fixed but because of delaying tactics of respondents / defendants hearing could not be proceeded in the above suit.

On 17.02.2006 defendants respondents no. 4 and 5 moved an amendment application to which objections were filed by the petitioner. However, the case is being adjourned every time on one pretext or other of respondents. The petitioner is senior citizen aged about 81 years.

In the aforesaid circumstances, petitioner was compelled to file present writ petition and prayed for a direction to the respondent no. 1 to expedite the hearing of the aforesaid suit within a period prescribed by this court.

The prayer is innocuous. In the circumstances mentioned above, I deem it fit and proper to direct the

respondent no. 1 i.e. Assistant Collector (1st Class) / Pargana Magistrate, Haldwani, District Nainital, to decide the suit no. 22/102 of 1986 – 87 pending before him as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order.

With this direction the writ petition as well as interim relief application no. 10469 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 19, 2006
SKSharma